

## Fitch, Even, Tabin & Flannery

Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER
DEC 0 1 2004

## FACSIMILE

Name:

Examiner Thomas C. Barratt

Art Unit: 3738

Company:

United States Patent and Trademark Office

Fax Number:

1-703-872-9302

From:

James J. Schumann

Today's Date:

Wednesday, December 1, 2004

File No.:

71738/5841

Pages:

Twelve (12) (including this cover sheet)

Attached please find the following documents in connection with U.S. Application No. 10/028,336, filed December 22, 2001:

- 1) Amendment and Response to Notice of Non-Compliant Amendment (37 CFR 1.121) [8 pages];
- Photocopy of Change of Correspondence Address filed August 2, 2004 [2 pages];
- 3) Transmittal Form

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

9276 Scranton Road, Suite 250 San Diego, California 92121-7701 Telephone 858-552-1311

	U.S. P			PTC/SB/21 (09-04) hrough 07/31/2008. OMB 0851-0031 .S. DEPARTMENT OF COMMERCE
Under the Pagerwork Reduction Act of 1995, no person	s are required to respond to a coll Application Number	ection of Information 10/028,336	malion unless iL	SECONOM B VEILE DAMS COUNTRY TO THE SECONOMINA
TRANSMITTAL	Filing Date	December 22, 2001		
FORM	First Named Inventor	Ernery W. Dilling		
FORM	Art Unit	3738		
	Examiner Name	Thomas C. E	Sarrett	
(to be used for all correspondence after initial (III/ng)	Attorney Docket Number	71738/5841		
Total Number of Pages in This Submission				
ENCLOSURES (Check all that apply)  After Allowance Communication to TC				
Fee Attached  Amendment/Recky	Drawing(s)  Licansing-related Papers  Petition Petition to Convert to a Provisional Application Power of Attorney, Ravocatio Change of Correspondence Terminal Disclaimer Request for Refund  CD, Number of CD(s)  Landscape Table on Carics	ezenbbA	Apper of Apper (Apper (Apper ) Statute of Other (Apper ) Propr Statute of Apper ) Photocopy	al Communication to Board seals and Interferences al Communication to TC al Notice, Brief, Reply Brief) setary Information s Letter Enclosure(s) (please identify
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT				
Firm Name				
Fitoh, Even, Table & Flannery			_	<u> </u>
Signature Mus & Mumann				
Printed name Jumes J. Schumann				
Date December 1, 2004		Reg. No.	20,856	
CERTIFICATE OF TRANSMISSION/MAILING				
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:				
Signature ON Cleure				
Typed or grinted name C. M. McClure			Dete	1 December 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chlef Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.